

FILED

NOV - 4 2004

United States District Court

NORTHERN

DISTRICT OF

RICHARD W. WIEKING
DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA

v.

LARRY DAVIS, JR. and
LYVELL ANICK STEVENSON

CRIMINAL COMPLAINT

CASE NUMBER:

4-04-0190

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 3, 2004 in Contra Costa county, in the Northern District of California defendant(s) did. (Track Statutory Language of Offense)
See Attached Affidavit

in violation of Title 18 United States Code, Section(s) 2113(a)(d) - Armed Bank Robbery

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:
Official Title

See Attached Affidavit.

Maximum penalties: 25 years prison; \$250,000 fine; \$100 Special Assessment and 5 years supervised release.

NO BAIL WARRANT REQUESTED

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No

Approved
As To
Form

AUSA LEWIS DAVIS

Name/Signature of Complainant

S/A ROBERT G. SCHENKE

Sworn to before me and subscribed in my presence,

Date

at

Oakland, CA

City and State

WAYNE D. BRAZIL

Name & Title of Judicial Officer

Signature of Judicial Officer

1
2 NORTHERN DISTRICT OF CALIFORNIA

3 OAKLAND, CALIFORNIA

4 AFFIDAVIT

5
6 1. I, Robert G. Schenke, first being duly sworn, depose and
7 state that I am a Special Agent of the Federal Bureau of
8 Investigation (FBI) assigned to the Concord Resident Agency
9 of the San Francisco FBI Division and have been so employed
10 for approximately twenty eight years. In that capacity I
11 have investigated hundreds of bank robberies and have
12 extensive experience and training in such matters. The
13 information herein is based upon investigation which I have
14 conducted and from information that I have obtained through
15 conversations with other FBI agents and police officers.
16

17 2. At approximately 4:50PM on Wednesday, November 3, 2004, the
18 Wells Fargo Bank located at 80 Moraga Way, Orinda,
19 California, was robbed by four armed individuals who rushed
20 into the bank lobby pointing guns at the employees and
21 yelling for everyone to get down on the floor. Two of the
22 robbers vaulted over the teller counter, confronted the
23 employees by pointing automatic type handguns at them and
24 demanded that the cash drawers be unlocked. The robbers took
25 money out of the teller drawers and placed the cash into a
26 plaid pillowcase and ran from the bank after obtaining in
27 excess of \$14,000 of federally insured funds.
28

1 3. Officers from the Orinda Police Department responding to
2 the bank robbery alarm from Wells Fargo Bank contacted the
3 bank employees and other witnesses who had seen the robbery
4 events and quickly determined that the four robbers had been
5 seen running from the bank and getting into a white Ford
6 Explorer which had been parked nearby. Witnesses who had been
7 outside the bank had obtained a partial license plate of the
8 get-away car and provided this information to responding
9 officers who immediately broadcast the information over
10 police radios.

11
12 4. Officer ROBERT DUVAL of the Orinda Police Department
13 advised that upon hearing about the robbery and description
14 of the get-away car on his police radio he immediately took
15 up a position of observation near the freeway which he knew
16 from experience was a logical direction of travel. Officer
17 DUVAL immediately saw a white Ford Explorer which had a
18 license plate bearing numbers that were consistent with the
19 information broadcast about the get-away vehicle. Officer
20 DUVAL positioned his marked police car directly behind the
21 suspect vehicle without activating his emergency lights and
22 began to follow the white Ford Explorer. Shortly after taking
23 the position of observation the driver of the suspect car
24 sped up to a high rate of speed and attempted to get away
25 from DUVAL by aggressively switching lanes and driving on the
26 freeway median strip. DUVAL activated his emergency lights in
27 an attempt to stop the suspect vehicle and broadcast over his
28 police radio that he was in pursuit of a car matching the

1 robber's get-away car. Officer DUVAL advised that he chased
2 the suspect vehicle for several miles and was able to get
3 very close to it and was able to see one of the passengers in
4 the car point a gun at him. Officer DUVAL was joined in the
5 pursuit by marked police units from the Oakland Police
6 Department and jointly they followed the fleeing car for
7 several minutes making attempts to stop it by use of lights
8 and siren. DUVAL advised that in the vicinity of West
9 MacArthur Boulevard and Highway 24 in Oakland, California,
10 the driver of the white Ford Explorer pulled into a
11 residential neighborhood and four individuals immediately
12 jumped out of the car and began to run. Officer DUVAL chased
13 the driver of the car, later identified as LARRY DAVIS JR., a
14 short distance and without losing sight of him was able to
15 apprehend him. Officers from the Oakland Police Department
16 chased other suspects and were able to apprehend one of the
17 passengers, later identified as LYVELL ANIK STEVENSON.

18
19 5. Officers responding to the location of the apprehension of
20 DAVIS and STEVENSON formed a neighborhood perimeter without
21 success in locating the other two robbers who had also fled
22 from the get-away car; however, ^{they officers} located a plaid pillow case
23 full of cash and an automatic handgun in the white Ford
24 Explorer. Affiant conducted an examination of the money
25 located and found \$20 bills bearing serial numbers matching
26 known, pre-recorded serial numbered "bait bills" taken from
27 Wells Fargo Bank.

1 6. Affiant and Detective STEVE SIMPKINS of the Orinda Police
2 Department transported five individuals who had witnessed the
3 robbery from the location of the bank in Orinda to the
4 location of the suspects detention in Oakland. En route all
5 witnesses were advised that the police had two suspects
6 stopped for them to look at in order to see if they were the
7 same individuals who they had seen in the bank, running from
8 the bank or getting into a white Ford Explorer. Each was
9 admonished that the persons stopped may or may not be the
10 individuals that they had seen, that they were under no
11 obligation to identify anyone and that they were not to speak
12 amongst themselves about their opinion. Suspects LARRY DAVIS
13 JR. and LYVELL ANIK STEVENSON who were wearing the clothing
14 they had on at time of detention were placed in a position
15 where the witnesses could see them clearly from a distance of
16 approximately twenty feet.

17
18 7. Witness DANIEL LUFT advised affiant that he is an employee
19 of the bank and had witnessed the robbery. LUFT advised that
20 he had been at his desk within the bank when, approximately
21 ten minutes before the robbery, he had been approached by an
22 individual who had asked him unusual questions about a
23 student loan which did not make any logical sense. This
24 person had stayed in the bank looking around for a few
25 minutes and had then left without completing any type of
26 transaction. LUFT recalled that one of the robbers who had
27 entered the bank shortly thereafter had the same general
28 physical build as this unknown person; however, he could not

1 state that they were in fact the same as the robbers all had
2 their faces covered by masks. LUFT advised that he was 100%
3 sure that the detained person he was being shown, identified
4 as LARRY DAVIS JR., was the same person that he had spoken to
5 in the bank just prior to the robbery. Witness LUFT was then
6 shown the second suspect, later identified as LYVELL ANIK
7 STEVENSON. LUFT advised that this person had the same general
8 physical build as one of the robbers, however, due to the
9 masks being worn he did not recognize the face of this
10 person. LUFT advised that he recalled seeing one of the
11 robbers during the robbery events wearing dark clothing and
12 distinctive looking athletic shoes which LUFT described as
13 being white "Fila" brand shoes having orange bottoms. LUFT
14 advised that the person being shown to him, STEVENSON, was
15 wearing the exact same unique kind of shoes as he had noticed
16 being worn by one of the robbers.

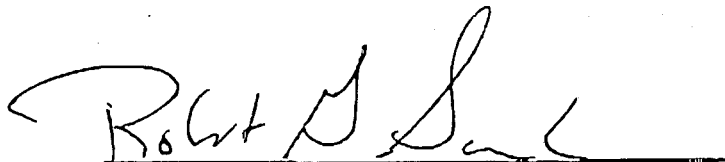
17
18 8. Witness ANDREA PASION advised affiant that she is a teller
19 at Wells Fargo Bank and that she had observed the robbery
20 events. PASION advised that she had seen a Black male
21 individual talking to bank employee, DANIEL LUFT, a few
22 minutes before the robbery and that she had been confronted
23 by the robbers after they vaulted the counter in front of
24 her. PASION advised that one of the robbers had pointed a
25 handgun at her demanding that she open her teller drawer and
26 that when she did not move fast enough for him the robber
27 accosted her and pushed her to the floor. While lying on the
28 floor PASION noticed that one of the robbers was wearing

1 unusual appearing white "Fila" brand tennis shoes with orange
2 soles. PASION advised that she was absolutely positive that
3 the person being detained by the police and displayed to her,
4 identified as LARRY DAVIS, JR., was the person she had seen in
5 the bank talking to employee, DANIEL LUFT, a few minutes
6 before the robbery. PASION then observed the person
7 identified as LYVELL ANIK STEVENSON and advised that he has
8 the same physical appearance as one of the robbers, however, she *Q*
9 could not recognize his face due to the robbers wearing
10 masks. PASION stated that the shoes being worn by STEVENSON
11 were the exact type of unusual shoes she had seen being worn
12 by one of the robbers as described herein.

13
14 9. Witness, SARAH GORHAM, advised that she had been outside
15 of Wells Fargo Bank when she saw three black male individuals
16 run out of the bank and other people yelling. "Call 911".
17 GORHAM advised that she got a good look at the face of two of
18 the individuals and that she would be able to recognize them
19 if seen again. GORHAM was provided with the admonishment
20 regarding the possible suspects and upon viewing the person
21 identified as LYVELL ANIK STEVENSON stated that he was
22 "definitely one of the robbers, I know for sure because of
23 his hair and beard". Witness GORHAM was not able to
24 positively identify LARRY DAVIS, JR., but she did state that
25 he was the same height and weight as one of the robbers that
26 she had seen in the bank.

1 10. Based on the information described herein affiant has
2 probable cause to believe that LARRY DAVIS JR (dob 5/13/84)
3 and LYNELL ANIK STEVENSON (dob 12/24/83) and others yet
4 unknown were responsible for the robbery of Wells Fargo Bank,
5 Orinda, California, on November 3, 2004, as described herein
6 and in so doing did commit violation of Title 18 United
7 States Code section 2113(a)(d) (armed bank robbery).
8

9 11. That the information herein is true and correct to the
10 best of my knowledge.
11



Robert G Schenke
Special Agent
Federal Bureau of Investigation
Concord, California

15
16 Subscribed and sworn to before me this 4 day of November,
17 2004.



Wayne D. Brazil
U.S. Magistrate
Oakland, California

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

FILED
NOV - 8 2004
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

TERRANCE HUNTER

CRIMINAL COMPLAINT

CASE NUMBER:

4-04-0191

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 3, 2004 in Contra Costa county, in the Northern District of California defendant(s) did, (Track Statutory Language or Offense)
See Attached Affidavit

in violation of Title 18 United States Code, Section(s) 2113(a)(d) - Armed Bank Robbery

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:
Official Title

See Attached Affidavit.

Maximum penalties: 25 years prison, \$250,000 fine; \$100 Special Assessment and 5 years supervised release.

NO BAIL

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No

Approved
As To
Form:

[Signature]
AUSA LEWIS DAVIS

[Signature]
Name/Signature of Complainant S/A ROBERT G. SCHENKE

Sworn to before me and subscribed in my presence,

11-8-04
Date

at

Oakland, CA

City and State

WAYNE D. BRAZIL

Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

1
2 NORTHERN DISTRICT OF CALIFORNIA

3 OAKLAND, CALIFORNIA

4 AFFIDAVIT

5
6 1. I, Robert G. Schenke, first being duly sworn, depose and
7 state that I am a Special Agent of the Federal Bureau of
8 Investigation (FBI) assigned to the Concord Resident Agency
9 of the San Francisco FBI Division and have been so employed
10 for approximately twenty eight years. In that capacity I
11 have investigated hundreds of bank robberies and have
12 extensive experience and training in such matters. The
13 information herein is based upon investigation which I have
14 conducted and from information that I have obtained through
15 conversations with other FBI agents and police officers. I am
16 submitting this affidavit as a follow-up to one issued by the
17 court on November 4, 2004, in the same case charging Larry
18 Davis Jr. and Lyvell Stevenson with armed bank robbery in
19 violation of Title 18, Section 2113(a)(d).

20
21 2. At approximately 4:55 PM on Wednesday, November 3, 2004, the
22 Wells Fargo Bank located at 80 Moraga Way, Orinda,
23 California, was robbed by three armed individuals who rushed
24 into the bank lobby pointing guns at the employees and
25 yelling for everyone to get down on the floor. Two of the
26 robbers vaulted over the teller counter, confronted the
27 employees by pointing automatic type handguns at them and
28 demanded that the cash drawers be unlocked. The robbers took

1 money out of the teller drawers and placed the cash into
2 pillowcases and ran from the bank after obtaining in excess
3 of \$14,000 of federally insured funds.
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5 3. Officers from the Orinda Police Department responding to
6 the bank robbery alarm from Wells Fargo Bank contacted the
7 bank employees and other witnesses who had seen the robbery
8 events and quickly determined that the four robbers had been
9 seen running from the bank and getting into a white Ford
10 Explorer which had been parked nearby. Witnesses who had been
11 outside the bank had obtained a partial license plate of the
12 get-away car and provided this information to responding
13 officers who immediately broadcast the information over
14 police radios.
15

16 4. Officer ROBERT DUVAL of the Orinda Police Department
17 advised that upon hearing about the robbery and description
18 of the get-away car on his police radio he immediately took
19 up a position of observation near the freeway which he knew
20 from experience was a logical direction of travel. Officer
21 DUVAL immediately saw a white Ford Explorer which had a
22 license plate bearing numbers that were consistent with the
23 information broadcast about the get-away vehicle. Officer
24 DUVAL positioned his marked police car directly behind the
25 suspect vehicle without activating his emergency lights and
26 began to follow the white Ford Explorer. Shortly after taking
27 the position of observation the driver of the suspect car
28 sped up to a high rate of speed and attempted to get away

1 from DUVAL by aggressively switching lanes and driving on the
2 freeway median strip. DUVAL activated his emergency lights in
3 an attempt to stop the suspect vehicle and broadcast over his
4 police radio that he was in pursuit of a car matching the
5 robber's get-away car. Officer DUVAL advised that he chased
6 the suspect vehicle for several miles and was able to get
7 very close to it and was able to see one of the passengers in
8 the car point a gun at him. Officer DUVAL was joined in the
9 pursuit by marked police units from the Oakland Police
10 Department and jointly they followed the fleeing car for
11 several minutes making attempts to stop it by use of lights
12 and siren. DUVAL advised that in the vicinity of West
13 MacArthur Boulevard and Highway 24 in Oakland, California,
14 the driver of the white Ford Explorer pulled into a
15 residential neighborhood and four individuals immediately
16 jumped out of the car and began to run. Officer DUVAL chased
17 the driver of the car, later identified as LARRY DAVIS JR., a
18 short distance and without losing sight of him was able to
19 apprehend him. Officers from the Oakland Police Department
20 chased other suspects and were able to apprehend one of the
21 passengers, later identified as LYVELL ANIK STEVENSON.

22
23 5. Officers responding to the location of the apprehension of
24 DAVIS and STEVENSON formed a neighborhood perimeter without
25 success in locating the other two robbers who had also fled
26 from the get-away car; however, the officers located a plaid
27 pillow case full of cash and an automatic handgun in the
28 white Ford Explorer. Affiant conducted an examination of the

1 money located and found \$20 bills bearing serial numbers
2 matching known, pre-recorded serial numbered "bait bills"
3 taken from Wells Fargo Bank.
4

5 6. On November 6, 2004, the Oakland Police Department received
6 information from a confidential source that he/she had heard
7 about the robbery of Wells Fargo Bank in Orinda and was aware
8 of the fact that four individuals were responsible. The
9 source advised that he/she knew the names of three of the
10 four robbers as LARRY DAVIS, LYVELL STEVENSON and TERRANCE
11 HUNTER.
12

13 7. On November 7, 2004, Oakland Police Officers B. ESTRADA and
14 M. MILLER, while on routine patrol in the city of Oakland,
15 saw the individual known to them from prior contacts as
16 TERRANCE HUNTER. Officer ESTRADA attempted to make contact
17 with HUNTER who fled the area on foot but was quickly caught
18 and found to be in possession of rock cocaine. HUNTER was
19 arrested by contacting officers for narcotics violations and
20 brought to the Oakland Police Department for processing.
21

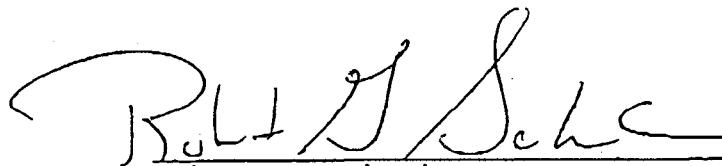
22 8. On November 7, 2004, affiant responded to the Oakland
23 Police Department where TERRANCE HUNTER was being held.
24 After advising TERRANCE HUNTER of his Miranda rights and,
25 after he waived those rights, Affiant and Special Agent
26 KLAISLE of the FBI interviewed HUNTER regarding his
27 involvement in the robbery of Wells Fargo Bank, Orinda, as
28 outlined herein. HUNTER confessed his role in the robbery and

1 provided a detailed narrative of the robbery events which
2 were known to affiant to match the information obtained from
3 the bank witnesses and employees. HUNTER indicated that he,
4 LYVELL STEVENSON and KURT (last name unknown) entered and
5 robbed the Wells Fargo Bank while DAVIS stayed in and then
6 drove the getaway car. HUNTER advised that he had used a gun
7 to confront employees and customers in the bank. HUNTER
8 indicated that after getting money from the bank the four of
9 them had driven away from the bank in the direction of
10 Oakland and were spotted by a police officer just before
11 entering the Caldecot tunnel. HUNTER stated that the police
12 chased them at high speed all the way to the 37th Street
13 area of Oakland at which time all four robbers jumped out of
14 the car and he succeeded in getting away.

15
16 9. Affiant showed TERRANCE HUNTER a series of photos which had
17 been obtained after the robbery. HUNTER identified himself,
18 LYVELL STEVENSON and KURT (lnu) in photos taken inside the
19 bank at the time of the robbery; a photo of the car they had
20 been driving; clothing each had been wearing (subsequently
21 recovered); a photo of the gun he had used (subsequently
22 recovered); and photographs of the other involved persons as
23 depicted on California Driver's licenses of LARRY DAVIS JR.
24 and of LYVELL ANIK STEVENSON.

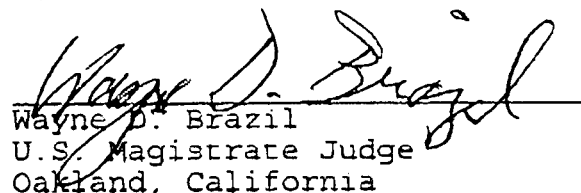
1 10. Based on the information described herein affiant has
2 probable cause to believe that TERRANCE HUNTER (DOB 6/12/85)
3 participated with other individuals in the robbery of Wells
4 Fargo Bank, Orinda, California, on November 3, 2004, and in so
5 doing did commit violation of Title 18 United States Code
6 section 2113(a)(d) (armed bank robbery).

7
8 11. That the information herein is true and correct to the
9 best of my knowledge.

10
11 

12 Robert G Schenke
13 Special Agent
14 Federal Bureau of
Investigation
Concord, California

15 Subscribed and sworn to before me this 8th day of November
16 2004.

17
18 
19 Wayne D. Brazil
20 U.S. Magistrate Judge
Oakland, California